

1 ADAM R.F. GUSTAFSON, Acting Assistant Attorney General  
2 U.S. Department of Justice  
3 Environment & Natural Resources Division

4 MEREDITH L. FLAX, Deputy Section Chief  
5 MICHAEL R. EITEL, Acting Assistant Section Chief  
6 KAMELA A. CASCHETTE, Trial Attorney  
7 Wildlife & Marine Resources Section  
8 KRISTEN SARNA, Trial Attorney  
Environmental Defense Section  
150 M St. NE, Washington, D.C. 20002  
Tel: (202) 598-7868 (Caschette); Tel: (202) 514-0375 (Sarna)

9 DEVON LEHMAN MCCUNE, Senior Attorney  
Natural Resources Section  
10 999 18th Street, North Tower – Suite 600, Denver, CO 80202  
Tel: (303) 358-8981

11 *Attorneys for Federal Defendants*

12  
13 **UNITED STATES DISTRICT COURT**  
14 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

15 AQUALLIANCE and CENTER FOR  
BIOLOGICAL DIVERSITY,

16 Plaintiffs,

17 v.

18 U.S. FISH AND WILDLIFE SERVICE;  
19 U.S. ARMY CORPS OF  
20 ENGINEERS; COLONEL ROBERT  
21 M. MCTIGHE, in his official capacity  
as District Commander of the U.S.  
22 Army Corps of Engineers; and DOUG  
23 BURGUM, in his official capacity as  
Secretary of the Interior,

24 Federal Defendants,

25 and

26 EPICK HOMES, INC. and BRUCE  
27 ROAD ASSOCIATES, LP,

28 Defendant-Intervenors.

Case No. 2:21-cv-01527-DJC-DMC

**NOTICE OF APPEAL**

Notice of Appeal  
Case No. 2:21-cv-01527-DJC-DMC

Federal Defendants the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, Robert M. McTighe, in his official capacity as District Commander of the U.S. Army Corps of Engineers, and Doug Burgum, in his official capacity as Secretary of the Interior (“Federal Defendants”), appeal to the United States Court of Appeals for the Ninth Circuit from the Court’s July 31, 2025 Judgment (ECF No. 62) and any and all adverse rulings incorporated in or ancillary to that judgment, which include the July 17, 2025 Order (ECF No. 61). Pursuant to Federal Rule of Appellate Procedure 12(b) and Ninth Circuit Rule 3-2(b), Federal Defendants’ Representation Statement is attached.

Federal Defendants are not required to submit filing fees or docketing fees. See Ninth Circuit Rule 3-1. This Notice of Appeal is timely pursuant to Federal Rule of Appellate Procedure 4(a)(4)(A)(iv).

DATED: September 29, 2025      Respectfully submitted,

ADAM R.F. GUSTAFSON  
Acting Assistant Attorney General  
U.S. Department of Justice  
Environment & Natural Resources Division

MEREDITH L. FLAX, Deputy Section Chief  
MICHAEL R. EITEL, Acting Assistant Section Chief  
/s/ Kamela A. Caschette  
KAMELA A. CASCHETTE, Trial Attorney  
Wildlife & Marine Resources Section  
Tel: (202) 598-7868  
Kamela.Caschette@usdoj.gov

KRISTEN SARNA, Trial Attorney  
Environmental Defense Section  
Tel: (202) 514-0375  
Kristen.Sarna@usdoj.gov

DEVON LEHMAN MCCUNE, Senior Attorney  
Natural Resources Section  
Tel: (303) 358-8981  
Devon.McCune@usdoj.gov

*Attorneys for Federal Defendants*

## **CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court via the CM/ECF system, which will send notification to the attorneys of record in this case.

/s/ Kamela A. Caschette